

METROPOLITAN ST. LOUIS EQUAL
HOUSING & OPPORTUNITY COUNCIL,

Plaintiff,

vs.

NORMAN JEZEWAK, and

SIGNATURE PROPERTY, L.L.C.,

Defendants.

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) Case No.: 4:13-cv-00481
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) **JURY TRIAL DEMANDED**
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The Metropolitan St. Louis Equal Housing & Opportunity Council (“EHOC”), by and through its undersigned counsel, alleges the following as its Complaint:

JURISDICTION AND VENUE

3. Venue is proper in this district under 28 U.S.C. § 1391(b), because the property that is subject to this action is situated in the City of St. Louis, Missouri.

4. EHOC is a nonprofit agency incorporated in Missouri, headquartered in the City of St. Louis, and located at 1027 S. Vandeventer Avenue, 6th Floor, St. Louis, Missouri 63110.

EHOC's mission is to ensure equal access to housing for all people through education, counseling, investigation, and enforcement.

5. Signature Property, L.L.C. ("Signature Property") is a Missouri Limited Liability Company and owns residential property at 5847 Sunshine Drive, St. Louis, MO 63109.

6. Norm Jezewak ("Jezewak") is the registered agent and sole owner for Signature Property and located at 5847 Sunshine Drive, St. Louis, MO 63109.

FACTUAL ALLEGATIONS

7. EHOC's mission is to ensure equal opportunity for all persons in housing and places of public accommodation through education, counseling, investigation and enforcement.

8. EHOC executes this mission by:

- a. Conducting training presentations throughout the region on fair housing, landlord-tenant law, and mortgage assistance;
- b. Counseling and assisting individual clients with discrimination complaints, eviction defenses, and mortgage issues;
- c. Working with local communities, state and municipal governments, and other organizations to encourage equal opportunity and affirmatively further fair housing;
- d. Investigating housing providers and other entities covered by the Fair Housing Act and similar laws to ensure their compliance; and
- e. Taking other actions consistent with its mission of ending discrimination and places of public accommodation.

9. Testing is a tool used by fair housing agencies to measure the quality, quantity, and content of information and customer service given to potential renters and/or home buyers by housing providers based on protected class.

10. A matched pair test is an investigation using testers to compare the treatment afforded by housing providers to different types of prospective renters. Testers are persons who, without the intent to rent an apartment or buy a house, pose as prospective buyers or renters of real estate for the purpose of gathering information. In matched pair tests, two similarly-situated testers – one of whom is a member of a protected class and the other of whom is not – test the same property. The information gathered by the tester is then assessed to determine whether there is any indication that a housing provider may be in violation of fair housing laws.

11. EHOC conducted a matched pair test for familial status discrimination at 5847 Sunshine Drive on June 6-8, 2011. EHOC's testing coordinator determined that the results of the June 6-8, 2011 matched pair test indicated that Defendants may be discriminating on the basis of familial status, as well as race and/or color.

12. Based on the results of this test, EHOC's testing coordinator conducted a second matched pair test for familial status discrimination on September 20, 2011, and a separate matched pair test for race discrimination on July 7-12, 2011.

13. The two tests for familial status discrimination revealed evidence that Defendants engaged in discriminatory practices including, but not limited to, the following:

- a. Refusing to make one-bedroom units available for inspection by two-person households with children while indicating a willingness to make the same units available for inspection by two-person households without children;

- b. Informing testers who indicated that they had children that he would not rent to them because of the underwriting policy of the Defendants' insurance provider; and
- c. Informing testers who indicated that they had children that each resident needed to have his or her own room because of the underwriting policy of the Defendants' insurance provider.

14. The matched pair test for racial discrimination revealed evidence that Defendants engaged in discriminatory practices including, but not limited to, the following:

- a. Questioning the African-American tester extensively about his credit score while not similarly questioning the white tester;
- b. Questioning the African-American tester more extensively about his current neighborhood than he did the white tester; and

15. Stating that less-desirable kinds of people tend to live in the African-American tester's current neighborhood. Each act of discrimination conducted in the Metropolitan St. Louis area causes a setback to the good work accomplished by EHOc's educational, counseling, and outreach efforts and the development of an integrated housing community. As a result, EHOc must launch further efforts to undo the damage that the discrimination has caused. These further efforts required are a substantial drain on EHOc's resources and cause harm to EHOc.

16. As a result of the conduct of the Defendants, persons were injured in their person and property. Specifically, families with children and persons of minority races and color were not provided equal housing opportunity in violation of the Fair Housing Act. Further, EHOc is now forced to divert funds to counteract the discriminatory message and acts of Defendants and has had its purpose frustrated by Defendants' discriminatory conduct.

17. EHOc's mission and purpose have been frustrated by Defendants' discriminatory practices. As a result of the time spent by EHOc conducting the initial and follow-up tests on Defendants property, EHOc's time and resources were diverted from its fair housing counseling, training, outreach, and other activities and services.

CAUSE OF ACTION

Housing Discrimination in Violation of 42 U.S.C. § 3601, *et seq.*

18. EHOc restates and realleges Paragraphs 1 through 17 as though fully set forth herein.

19. Defendants, by engaging in the above conduct, discriminated against persons because of race, color, and familial status in the rental of dwellings, in violation of the Fair Housing Act, by:

- a. Refusing to rent or otherwise making unavailable to rent dwellings to persons because of race, color, or familial status in violation of 42 U.S.C. § 3604(a);
- b. Discriminating in the terms, conditions, or privileges of rental of a dwelling because of race, color, or familial status in violation of 42 U.S.C. § 3604(b);
- c. Making a statement with respect to the rental of a dwelling that indicates discrimination based on race, color, or familial status in violation of 42 U.S.C. § 3604(c); and
- d. Representing to persons because of race, color, or familial status that dwellings are not available for inspection or rental when such dwellings are in fact so available, in violation of 42 U.S.C. § 3604(d).

20. Defendants have frustrated the purpose and diverted the resources of EHOC through the discriminatory acts identified herein.

21. EHOC is an “aggrieved person” as those terms are defined by 42 U.S.C. §§ 3602(d) and 3602(i).

22. Defendants’ actions were done intentionally, willfully, and in reckless disregard for the rights of aggrieved persons.

PRAYER FOR RELIEF

WHEREFORE, EHOC respectfully requests that the Court enter an order that:

A. Declares that Defendants’ discriminatory practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*;

B. Enjoins the Defendants, their agents, employees, successors, and all other persons in active concert or participation with any of them from:

1. Discriminating on the basis of race and/or familial status, in violation of the Fair Housing Act, pursuant to 42 U.S.C. § 3604(a), (b), (c) and (d);
2. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the Complainants and their children to the position they would have been in but for the discriminatory conduct; and
3. Failing or refusing to take such actions as may be necessary to prevent the recurrence of any such discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendants' unlawful conduct;

C. Awards actual and punitive damages to EHOC, pursuant to 42 U.S.C. § 3613(c)(1);
and

D. Awards any additional relief that this Court finds would be just and proper.

DEMAND FOR JURY TRIAL

In accordance with Rule 38 of the Federal Rules of Civil Procedure and Local Rule 38-2.04 of this Court, Plaintiff hereby demands a trial by jury of all claims and issues in this action triable to a jury.

Dated:

Respectfully submitted,

METROPOLITAN ST. LOUIS EQUAL
HOUSING & OPPORTUNITY COUNCIL

/s/ Zachary M. Schmook

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 7, 2014, he electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to Counsel of record for Defendants.

/s/ Zachary M. Schmook